Writ Petition No. 221 (S/S) 2003

Uttaranchal Swasthya Karyakarta Association- ….. Petitioner

Versus

State of Uttaranchal & Others- …..Respondents.

Hon'ble M.M. Ghildiyal J.

Heard Sri P.S. Adhikari learned Counsel for the petitioner and Sri Maulikhi Learned Standing Counsel.

The petitioners initially, were employees of health department. By notification, the posts of village level workers in various departments were declared dying-cadre and the employees were directed to work in Panchayati Raj as Bahu-Uddesiya Karmi. Again a notification was issued and the employees, except of three departments i.e. Panchayati Raj Vibhag, Social Welfare and Gramya Vikas Vibhag, were sent to their parent departments. The petitioner has stated that they had joined as health surveyor in the health department. The petitioners have now challenged the order dated 14.05.2003 of the Block Development Officer, Garun, Baijnath, District Bageshwar directing the employees of irrigation department, health department, soil conservation to join a training being conducted for survey to trace the population which are living under poverty line. Submission of the petitioners is that they are the employees of health department and Block Development Authority has no authority to direct them to perform any work without consent of their superiors under whom they are working.

I find force in the arguments. If the survey is to be done and the services of the petitioners are required, the authority under whom the petitioners are working may direct the petitioners to perform such work and for the purpose the Block Development Officer can make request to the authorities concerns.

For the reasons stated, the writ petition is allowed. The order dated 14.05.2003 of the Block Development Officer, Garun, Baijnath is qhashed.

(M.M.Ghildiyal J.)

June 09,2003:
NCM: